



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-25207-2021

Date of Decision: 09.02.2026

ISHWAR SINGH DEV SAMAJ SENIOR SECONDARY SCHOOL AND
ANR ...Petitioner

Vs.

SIMARPREET KAUR AND ORS ...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Brijesh Khosla, Advocate for the petitioner

None for respondents No.1 and 4

Respondent No.2 *ex parte* vide order dated 09.05.2023

Mr. Sumit Jain, Advocate for respondent No.3-UT

Respondents No.5 and 6 deleted vide order dated 18.02.2022

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 29.10.2021 passed by Additional District Judge, Chandigarh exercising powers of Educational Tribunal.

2. The matter is pending before this Court since 2021. There is interim order in favour of the petitioners. On few occasions, there was representation of the private respondents. It appears that with the efflux of time they have lost interest to contest the matter, however, petition cannot be kept pending for indefinite period.

3. As per record, respondent No.1 was recruited as PGT (Punjabi) and respondent No.2 as TGT (Math) by petitioner-Ishwar Singh

Dev Samaj Senior Secondary School. Both the respondents were appointed on temporary basis. The petitioner dispensed with their services and they approached Educational Tribunal which allowed their petition with a direction to respondent-School not to dispense with their services till regular appointments. The findings recorded by Tribunal read as:-

“10. After giving considerable thoughts to the rival contentions of learned counsel for both the parties, it is observed that the petitioners have filed the instant petition seeking directions for quashing the impugned action of the respondents No. 2 and 3 in terminating the services of the petitioners from the teaching posts and proceeding to replace them with other contractual appointments in pursuant to the advertisement dated 17.03.2018 (Annexure P-16) and also to quash the same, as patently illegal, arbitrary, malafide, unconstitutional and violative of the settled law. It is also the claim of the petitioners that respondents No. 2 & 3 are making fresh contractual appointments against the posts occupied by the petitioners by replacing them with same settlement in pursuant to the advertisement dated 17.03.2018. Keeping in view the facts of the case this Tribunal is of the considered opinion that in view of the settled law one contractual employee cannot be replaced by another similar arrangement. The nomenclature of the substitutes would be irrelevant, in other words engagement of employees as a matter of temporary arrangement (ad-hoc, stop-gap, current-duty, part time, contractual, temporary etc.) so as to replace the petitioners would not be permissible. The petitioners' failure in the interview, held by the respondents for the recruitment of teachers on temporary basis under no circumstances can become the cause of the termination of their adhoc posts against which they had been working for a certain period of time, thus gaining experience as well. It

can be terminated only if the concerned authorities find their work unsatisfactory or they are no more in need of their services. The respondents fresh interview held for the temporary teachers shows that they are in need of more teachers. Secondly never during the service of the petitioners they found their work not upto the mark, then for what reasons the petitioners are being made scapegoat of their termination. This Tribunal considers that this action of the respondents is unwarranted and unscrupulous.

*Our Hon'ble High Court in **Amandeep Singh and another Vs. State of Punjab and others** CWP No.11340 of 2011 decided on 05.07.2011 has directed the respondents not to replace the Guest Faculty Lecturers by a similar temporary arrangements except for unsatisfactory service or if, their services are not needed. In **Sandeep Kumar vs. State of Punjab** CWP No.2956 of 2012 decided on 16.02.2012 it has been held that he Guest Faculty (Lecturer) like the petitioners are not to be substituted by another set of Guest Faculty (Lecturer)/Part-time Guest Faculty (Lecturer).*

The authorities cited by learned counsel for respondents no.2 and 3 are not helpful to the case of the respondents being distinguishable on facts and law.

11. In view of the above discussion, it is held that the petitioners are entitled to continue working as PGT-Punjabi and TGT-Math respectively till the regular selection on the above posts. Respondents No.2 and 3 are directed to quash the impugned action of terminating the service of the petitioners from the teaching posts and proceeding to replace them with other contractual appointments in pursuant to the advertisement dated 17.03.2018. Respondents no.2 and 3 are further directed to allow the petitioners to continue working on their respective posts till regular selection appointment on the said posts and grant them all consequential benefits.

Accordingly, the instant appeal is hereby allowed in the aforesaid terms. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.”

4. From the perusal of findings recorded by Tribunal, it is evident that respondents No.1 and 2 were permitted to continue till regular appointment. They were appointed on temporary basis. This Court while issuing notice of motion vide order dated 13.12.2021 stayed impugned order.

5. Learned counsel for the petitioner during the course of hearing confirmed that respondents No.1 and 2 are no more in service since the date of their discharge i.e. 31.03.2018. A period of almost eight years has passed away from the date of discharge of the respondents. They have never worked with petitioner during intervening period. They were not holding regular post whereas were appointed as temporary employees against unaided posts.

6. In the backdrop, this Court finds it appropriate to set aside impugned order. Ordered accordingly.

7. The respondents No.1 and 2 would be at liberty to move an appropriate application within six months from today, if cause survives.

8. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

February 09, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No